

OPINION 1024

EPIRHEXIS COPE, 1866 (AMPHIBIA: SALIENTIA): SUPPRESSED
UNDER THE PLENARY POWERS

RULING.—(1) Under the plenary powers the generic name *Epirhexis* Cope, 1866, is hereby suppressed for the purposes of the Law of Priority but not for those of the Law of Homonymy.

(2) The generic name *Syrrhophus* Cope, 1878 (gender: masculine), type-species, by monotypy, *Syrrhophus marnockii* Cope, 1878, is hereby placed on the Official List of Generic Names in Zoology with the Name Number 2003.

(3) The specific name *marnockii* Cope, 1878, as published in the binomen *Syrrhophus marnockii* (type-species of *Syrrhophus* Cope, 1878) is hereby placed on the Official List of Specific Names in Zoology with the Name Number 2534.

(4) The generic name *Epirhexis* Cope, 1866, as suppressed under the plenary powers in (1) above, is hereby placed on the Official Index of Rejected and Invalid Generic Names in Zoology with the Name Number 2049.

(5) The specific name *latodactylus* Taylor, 1940, as published in the binomen *Syrrhophus latodactylus*, is not to be used in preference to the specific name *longipes* Baird, 1859, as published in the binomen *Batrachyla longipes*, by those zoologists who consider the two names apply to a single taxon at specific or subspecific level in the species-group.

HISTORY OF THE CASE (Z.N.(S.) 1824)

The present application was submitted to the office of the Commission by John D. Lynch in September 1967. The application was sent to the printer on 4 October 1967 and was published on 7 December 1967 in *Bull. zool. Nomencl.* **24** : 313–315. Public Notice of the possible use of the plenary powers in the present case was given in the same part of the *Bulletin* as well as to the other prescribed serial publications (Constitution Art. 12b; *Bull. zool. Nomencl.* **21** : 184) and to two specialist serials. The application was supported by Hobart M. Smith (*Bull.* **25** : 72) and by Thomas H. Fritts (*Bull.* **25** : 72). The proposals were opposed by Dr. E. Raymond Hall and a majority of the Nomenclature Committee of the American Society of Ichthyologists and Herpetologists.

DECISION OF THE COMMISSION

On 28 August 1969 the Members of the Commission were invited to vote under the Three-Month Rule on Voting Paper (69)45. This voting paper consisted of two parts: Part 1, for or against the suppression under the plenary powers of *Epirhexis* Cope, 1866 as set out in *Bull. zool. Nomencl.* **24** : 314–315 and Part 2, on the suppression under the plenary powers of *Batrachyla longipes* Baird, 1859, as set out in *Bull. zool. Nomencl.* **25** : 72. At the close of the voting period on 28 November 1969 the state of the voting was as follows:

Part One.

Affirmative votes—nineteen (19), received in the following order: China, Holthuis, Melville, Mayr, Vokes, do Amaral, Obruchev, Eisenmann, Jaczewski,

Tortonese, Brinck, Mertens, Bonnet, Evans, Binder, Ride, Forest, Alvarado, Kraus.

Negative votes—three (3): Simpson, Starobogatov, Sabrosky.

Abstentions—one (1): Lemche.

Voting Papers not returned—one (1): Munroe.

Part Two.

Affirmative votes—fourteen (14), received in the following order: China, Vokes, Obruchev, Eisenmann, Jaczewski, Tortonese, Mertens, Bonnet, Evans, Binder, Ride, Forest, Alvarado, Kraus.

Negative votes—eight (8): Holthuis, Melville, Mayr, do Amaral, Simpson, Starobogatov, Brinck, Sabrosky.

Abstentions—one (1): Lemche.

Voting Papers not returned—one (1): Munroe.

The vote in Part 2, being less than a two-thirds majority in favour of the proposition, amounts to a refusal to use the plenary powers to suppress the specific name *longipes* Baird, 1859, as published in the binomen *Batrachyla longipes*. Article 79(a) (iii) of the International Code of Zoological Nomenclature requires in the event of such a refusal, that the Opinion is to specify the name to be used and the action to be taken. Paragraph (5) of the above Ruling is drafted so as to satisfy that provision.

The following comments were made by Commissioners in returning their voting papers:

R. V. Melville (8.ix.1969): "I do not think the time is ripe for any action on *Batrachyla longipes*. The objections to the proposals should have been circulated to the Commission".

G. G. Simpson (16.ix.1969): "The complex arguments depend to a considerable extent on moot zoological, non-nomenclatural factors, and the professional group most concerned (American Society of Ichthyologists and Herpetologists) opposes the proposals".

H. Lemche (received on 10.x.1969): "We cannot vote on a case on which opposition has been presented, without knowing the reasons for it—even in a case of the American Society of Ichthyologists and Herpetologists".

E. Eisenmann (17.x.1969): "I should prefer an alternative position: that *Epirhexis* should in no event have priority over *Syrrhophus* nor *longipes* over *latodactylus*, but that if *Epirhexis longipes* (Baird) should prove identifiable as a different genus and otherwise undescribed species those names should be applied to it."

ORIGINAL REFERENCES

The following are the original references for names placed on the Official Lists and Index by the Ruling given in the present Opinion:

Epirhexis Cope, 1866, *J. Acad. nat. Sci. Philad.* (2) 6 : 96

marnockii, *Syrrhophus*, Cope, 1878, *Am. Nat.* 12 : 253

Syrrhophus Cope, 1878, *Am. Nat.* 12 : 253

CERTIFICATE

I certify that the votes cast on Voting Paper (69)45 were cast as set out above, that the proposal contained in that Voting Paper has been duly adopted under the plenary powers, and that the decision so taken, being the decision of the International Commission, is truly recorded in the present Opinion No. 1024.

R. V. MELVILLE
Secretary

International Commission on Zoological Nomenclature

London

26 March 1974